Transport (Scotland) Act 2019

2019 asp 17

PART 2

LOW EMISSION ZONES

CHAPTER 1

EFFECT OF A LOW EMISSION ZONE SCHEME

6 Restriction on driving within a zone

(1) A person may not drive a vehicle on a road within a low emission zone in contravention of the terms of a low emission zone scheme unless—

(a) the vehicle meets the specified emission standard, or

(b) the vehicle is exempt by virtue of subsection (4)(b) or section 17.

(2) Where a person drives a vehicle on a road within a low emission zone in contravention of subsection (1), a penalty charge is payable in respect of the contravention.

(3) But, despite subsection (2), if—

(a) the same vehicle is driven within the same low emission zone in contravention of subsection (1) on more than one occasion in the course of the same day, and

(b) the person to whom the penalty charge notice would be issued in respect of those contraventions is the same person,

only one penalty charge is payable in respect of the contraventions.

(4) The Scottish Ministers may by regulations, following consultation with such persons as they consider appropriate—

(a) make provision for or in connection with the specification of the emission standard for the purpose of subsection (1)(a),

(b) specify vehicles or types of vehicle which are exempt for the purpose of subsection (1)(b) including, in particular, by reference to their construction or use,

(c) make provision for or in connection with the amount that may be imposed as a penalty charge under subsection (2) (which may include provision for discounts and surcharges).

Commencement Information

I1 S. 6 in force at 14.1.2021 by S.S.I. 2020/429, **reg. 2(a)**

7 Proving contraventions and issue of a penalty charge notice

(1) The fact that a person was driving a vehicle on a road within a low emission zone may be established only on the basis of a record produced by an approved device.

(2) A record obtained from the Secretary of State or from another source as specified in regulations by the Scottish Ministers, certifying a vehicle's emission standard as at the date and time of the record produced by an approved device, is determinative of whether the vehicle meets the specified emission standard.

(3) Where a local authority considers that a penalty charge is payable under section 6(2) in respect of a low emission zone scheme it has made, it may issue, or make arrangements relating to the issue of, a penalty charge notice in accordance with regulations under section 8(1).

(4) A penalty charge under section 6(2) is payable to the local authority which issued the penalty charge notice—

(a) by the registered keeper of the vehicle, or

(b) in such circumstances, following consultation with such persons as they consider appropriate, as the Scottish Ministers by regulations specify, by such other person as is so specified.

Commencement Information

I2 S. 7 in force at 14.1.2021 by S.S.I. 2020/429, **reg. 2(a)**

8 Enforcement

(1) The Scottish Ministers may, following consultation with such persons as they consider appropriate, by regulations make provision for or in connection with the enforcement of low emission zone schemes.

(2) Regulations under subsection (1) may, in particular, make provision for or about—

(a) penalty charge notices (including the form, content and method of issue),

(b) the timing and manner of payment of a penalty charge,

(c) reviews and appeals (including grounds of review or appeal) in connection with the issuing of penalty charge notices,

(d) the manner in which a penalty charge notice may be enforced,

(e) steps that may be taken following the cancellation of a penalty charge notice (including the issuing of another penalty charge notice in respect of the same contravention),

(f) enabling local authorities to enter into arrangements with any person in connection with the exercise of a function conferred on a local authority by the regulations or under section 7.

(3) Regulations under subsection (1) may include provision—

(a) creating offences,

(b) about the records to be produced by or in connection with approved devices (including what constitutes sufficient evidence of a fact).

(4) The maximum penalty that may be provided for in regulations under subsection (1) creating offences is, on summary conviction, a fine not exceeding level 5 on the standard scale.

Commencement Information

I3 S. 8 in force at 14.1.2021 by S.S.I. 2020/429, **reg. 2(a)**

Status:
Point in time view as at 14/01/2021.

Changes to legislation:
There are currently no known outstanding effects for the Transport (Scotland) Act 2019, CHAPTER 1.